

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 U.S. MAGISTRATE JUDGE
4 EL PASO DIVISION
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7 UNITED STATES OF AMERICA) No. EP:23-CR-01842-DB
8 vs.) El Paso, Texas
9 RENE HERNANDEZ CORDERO)
10) August 22, 2023
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13 INITIAL APPEARANCE

14 Before the Honorable Miguel Torres
15 United States Magistrate Judge
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24 Proceedings reported by stenotype. Transcript produced by
25 computer-aided transcription.

1 THE COURT: Good afternoon. Is there an agent that
2 needed to be sworn in?

3 Okay, good afternoon to all of you. I am United States
4 Magistrate Judge Miguel Torres. We're here to conduct your
5 initial appearance.

6 The purpose of this short hearing is to provide you some
7 basic but important information about your case. I am going to
8 talk to you about your charges, about the possible sentence you
9 face were you to be convicted of this charge. We will talk
10 about the time and date of your next hearing and your situation
11 regarding bond.

12 In each one of your cases, the Government has filed a
13 motion asking you be detained pending trial or pending the
14 final disposition of your case.

15 However, at your very next court hearing, and I will give
16 you the setting today, you can take up any bond matters with
17 the Court.

18 Mr. [unintelligible] good afternoon. You had a chance to
19 speak to everybody?

20 UNKNOWN: Yes, Your Honor, I have.

21 THE COURT: Let me tell you about some important
22 rights you have. Each of you has the right to remain silent.
23 You don't have to -- let me say for any of you, if you have any
24 trouble with the headsets during the hearing, get our attention
25 immediately, either myself, the marshals or somebody.

1 First, I was telling you about some important rights. You
2 have the right to remain silent. You don't have to answer any
3 questions about your case. Anything you say can be used
4 against you.

5 You also have the right to have a lawyer represent you on
6 these criminal charges. You can hire the attorney of your
7 choice or I will appoint a lawyer if you cannot afford one.

8 Finally, if you are not a citizen of the United States, you
9 have the right to have the consulate of your home country
10 notified that you have been arrested. You can ask a United
11 States law enforcement officer like -- are we having some
12 trouble? You have the -- where was I? You can ask any United
13 States law enforcement officer or lawyer for the government to
14 notify the consulate of your home country you have been
15 arrested.

16 There may be a treaty in place between the United States
17 and your home country that requires your consulate be
18 automatically notified of your arrest. I am letting you know
19 how you can go about it, if you wish to do so, if you wish to
20 have your consulate notified.

21 Let me ask, is there anybody here, and standup if the
22 answer is yes to this question, is there anybody here who has
23 already hired an attorney? Anybody? I will ask you some
24 questions. For the record, nobody stood up in response to that
25 question.

1 I am going to ask you some questions about your finances so
2 that I can determine whether you qualify for an appointed
3 lawyer. If the answer to any one of the following two
4 questions is yes, please standup.

5 Do you own any real estate, any land, buildings, rental
6 houses or anything like that? For the record --

7 UNKNOWN DEFENDANT: Vehicles?

8 THE COURT: No; real estate, land. For the record,
9 nobody stood up in response to that question.

10 Is there anybody here that has over \$2,500 in their jail
11 commissary account, or bank account, or cash savings you would
12 have access to, anybody? For the record, nobody stood up in
13 response to that question.

14 Based on those responses, and based on the financial
15 affidavits that were made available to the Court and the Court
16 has reviewed, based on all of that information, I find that
17 each of you qualifies for an appointed lawyer. I will tell you
18 who that lawyer is when I speak to you individually about your
19 case.

20 In each one of your cases, with the exception of those of
21 you that are here on supervised release or probation
22 revocations, for the rest of you, in your case, the Government
23 has filed a criminal complaint to initiate these charges
24 against you in federal court.

25 The criminal complaint in your individual cases names you,

1 tells us the place and the date of your alleged offense, and it
2 tells us the exact charge against you, and it is supported by
3 an affidavit that is sworn to by one of the federal agents
4 involved in your case.

5 Let me speak to you individually here.

6 Brian Lopez, if you please stand up. Say present when I
7 call your name. Also, Josue Isaac Salazar?

8 DEFENDANTS: Present [by both].

9 THE COURT: Each of you is charged with a felony
10 offense. Specifically, you're charged with conspiracy to
11 transport and move aliens where the Government is alleging you
12 had an agreement, either with each other or other individuals,
13 to commit the offense of transporting aliens where you knew the
14 aliens were here unlawfully and where the transportation was to
15 further the unlawful presence in the United States.

16 This conspiracy charge carries a possible maximum sentence
17 of no time in prison up to ten years in prison, a fine from 0
18 up to \$250,000, up to three years of supervised release
19 following any term of imprisonment, and a \$100 and \$5,000
20 Special Victims Assessment to the Crime Victims Fund.

21 Your next court hearing in each of your cases is this
22 Friday. This Friday is August 25 at 9 o'clock in the morning.
23 That will be for a detention hearing.

24 Again, the Government asked that you be detained pending
25 trial. You can take up any bond matters with the Court at that

1 time.

2 The other part of the hearing is a preliminary hearing to
3 determine -- a preliminary hearing is an evidentiary hearing to
4 determine if there is enough evidence essentially for the
5 charges to continue against you.

6 Mr. Lopez, I'm appointing you the Office of the Federal
7 Public Defender.

8 Mr. Salazar [unintelligible] I am appointing attorney
9 Rafael Salas to represent you. He is a lawyer private practice
10 that does a lot of work here in the federal courts.

11 Mr. Lopez, I appointed the Federal Public Defender, and for
12 a number of you here I will appoint the Office of the Federal
13 Public Defender.

14 Let me explain to you a little bit about that office and
15 who they are. It is a lawyers office here in El Paso of about
16 20 attorneys. One lawyer from that office will be designated
17 by that office to be your attorney. They will be out to see
18 you before your court hearing. Again, for both of you, the
19 next court hearing is Friday morning.

20 Mr. Lopez and Mr. Salazar, have you understood everything I
21 said?

22 DEFENDANTS: Yes [by both].

23 THE COURT: You can have a seat.

24 Ernesto Medina?

25 DEFENDANT MEDINA: Present.

1 THE COURT: And Ernesto Olivas?

2 DEFENDANT OLIVAS: Present.

3 THE COURT: Gentlemen, you're each charged also with
4 the felony offense of Conspiracy to Transport Aliens where the
5 Government is alleging you had an agreement with each other or
6 other individuals to transport and move aliens within the
7 United States where you knew or acted in reckless disregard of
8 the fact that these aliens had come to, entered, and remained
9 in the United States in violation of the law. The Government
10 is alleging this conspiracy, this agreement to transport
11 aliens.

12 The charge carries a possible maximum sentence of no time
13 in prison up to ten years in prison, a fine from 0 up to
14 \$250,000, up to three years of supervised release, and a
15 special assessment of \$100 and \$5,000.

16 Mr. Medina, I am appointing attorney Orlando Mondragon to
17 represent you.

18 Mr. Olivas, I am appointing attorney Richard Jewkes to
19 represent you.

20 These are attorneys in private practice. They do a lot of
21 work in the federal courts. They will be by to see you before
22 your next court hearing, which will be a detention or bond
23 hearing on Friday as well as on that same day a preliminary
24 hearing at 9 o'clock this Friday here in this court.

25 Have you each understood everything I said?

1 DEFENDANTS: Yes [by both].

2 THE COURT: You can have a seat, both of you.

3 Jesus Geraldo Ramos?

4 DEFENDANT RAMOS: Present.

5 THE COURT: Rene Hernandez Cordero?

6 DEFENDANT HERNANDEZ: Present.

7 THE COURT: Gentlemen, you are -- let me have just a
8 moment please. You're each charged with a federal firearms
9 felony, and specifically with the offense of smuggling
10 firearms.

11 This felony charge carries a possible sentence from no time
12 in prison up to 15 years in prison, a fine from 0 up to
13 \$250,000, up to three years of supervised release following any
14 imprisonment should you be convicted of this offense, and a
15 \$100 special assessment.

16 Your next court hearing is this Friday at 9 o'clock in the
17 morning. That would be for a preliminary and detention
18 hearing.

19 Again, the Government is asking you be detained pending
20 trial. You can take up any bond matters with the Court at your
21 next court hearing.

22 Mr. Ramos, I will appoint the Office of the Federal Public
23 Defender to represent you.

24 Mr. Hernandez, I am appointing attorney Eduardo Solis to
25 represent you. He is a lawyer in private practice that does

1 work here in federal criminal cases.

2 Have you each understood everything I said?

3 DEFENDANTS: Yes [by both].

4 THE COURT: You can have a seat.

5 Anyone here whose name I did not call? All of you will be
6 meeting with your attorney in the very near future. He or she
7 will discuss with you in detail everything I talked to you
8 about today.

9 In a few minutes, after you walk out, you will receive a
10 paper notification of your next court setting which will have
11 -- Mr. [unintelligible], is there a problem, sir?

12 UNKNOWN: No.

13 THE COURT: I saw you shaking your head. All of you
14 will be get a paper notification of your next court hearing
15 with the information I passed on to you with regard to your
16 attorney and the next court hearing.

17 The last thing I'll mention to you is that if any of you
18 have not taken the COVID-19 vaccine, and you wish to do so, it
19 is available at the jail facility where you are currently
20 housed. You can put yourself on the list to go to the
21 infirmary to talk to one of the medical personnel there about
22 it if you want to do it.

23 I am not telling you what to do. It is your decision. I
24 want to make sure that you know it is available.

25 Anything else? That's it. Very well, you all have a good

1 day. We are in recess.

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CERTIFICATION

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Date: October 8, 2024

/s/ Walter A. Chiriboga, Jr.

Walter A. Chiriboga, Jr.